

FOR THE RELIEF OF NANCY B. WILSON

APRIL 20, 2001.—Referred to the Private Calendar and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 392]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 392) for the relief of Nancy B. Wilson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 392 would allow Nancy Wilson to receive Social Security benefits based on her deceased husband’s income. Mrs. Wilson has been denied these benefits because she and Mr. Wilson were not married for at least 9 months prior to his death.

BACKGROUND AND NEED FOR THE LEGISLATION

In 1950, Mr. Wilson had to commit his first wife to a mental institution in Massachusetts, and Massachusetts law prohibited divorce on the grounds of insanity. Five years later, he and Nancy Wilson began living together. Mrs. Wilson stayed home and raised three children, two of which were Mr. Wilson's children with his first wife. After 19 years, Mr. Wilson's first wife died in the mental institution and the Wilsons immediately married. However, Mr. Wilson was already ill with multiple cancers and died 7 months later. Mrs. Wilson did not work outside the home to any significant degree while raising the children, and as a result, her Social Security benefits are minimal. Nine months of marriage is required by the Social Security Administration to allow widow's insurance benefits.

Had Mr. Wilson not been restricted by Massachusetts divorce law, he clearly would have been married to Mrs. Wilson much longer than the 9 months required. There is precedent for private claims bills to allow a widow benefits which have been denied because of circumstances beyond their control. And more specifically, there is precedent giving benefits to a widow who did not meet the 9-month marriage requirement because of an untimely death when there was clearly a long term co-habitation of the couple.

HEARINGS

The Committee's Subcommittee on Immigration and Claims held no hearings on H.R. 392.

COMMITTEE CONSIDERATION

On March 14, 2001, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill H.R. 392, without amendment, by voice vote, a quorum being present.

On March 28, 2001, the Committee on the Judiciary met in open session and ordered reported favorably the bill H.R. 392, without amendment, by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

PERFORMANCE GOALS AND OBJECTIVES

The objective of H.R. 392 is to provide Mrs. Nancy B. Wilson with Social Security benefits that she is not otherwise entitled to because of an anomaly created by the effect Massachusetts divorce law has on the operation of the social security system regarding qualifying widows.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 392, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 29, 2001.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 392, a bill for the relief of Nancy B. Wilson.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Kathy Ruffing, who can be reached at 226-2820, and John R. Righter, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers Jr.
Ranking Member

H.R. 392—A bill for the relief of Nancy B. Wilson.

Under the Social Security Act, an individual must have been married at least nine months to qualify for a widow's benefit. H.R. 392 would deem Mrs. Wilson's marriage to have lasted the minimum period, thus qualifying her for additional Social Security benefits. CBO estimates that the bill would increase direct spending by about \$50,000 over the 2001-2006 period. Those outlays would not be subject to pay-as-you-go rules because they would come from the Old-Age and Survivors Insurance Trust Fund, which is off-budget.

The CBO staff contacts for this estimate are Kathy Ruffing, who can be reached at 226-2820, and John R. Righter, who can be reached at 226-2860. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article 1, section 8 of the United States Constitution.

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, MARCH 28, 2001

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 10 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner (chairman of the committee) presiding.

Chairman SENSENBRENNER. The next order of business is H.R. 392, a private relief bill for the benefit of Nancy Wilson.

[H.R. 392 follows:]

107TH CONGRESS
1ST SESSION

H. R. 392

For the relief of Nancy B. Wilson.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2001

Mr. ALLEN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

For the relief of Nancy B. Wilson.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ENTITLEMENT TO WIDOW'S INSURANCE BENE-**
4 **FITS.**

5 (a) IN GENERAL.—For purposes of determining the
6 eligibility of Nancy B. Wilson, the wife of Alphonse M.
7 Wilson (social security number 271–18–9548), to widow's
8 insurance benefits under section 202(e) of the Social Secu-
9 rity Act (42 U.S.C. 402(e)), Nancy B. Wilson shall be
10 deemed to have been married to Alphonse M. Wilson for
11 a period of not less than 9 months immediately prior to
12 the day on which Alphonse M. Wilson died.

1 (b) EFFECTIVE DATE.—Subsection (a) takes effect
2 on March 21, 1991.

3 (c) PAYMENT.—Any benefits to which Nancy B. Wil-
4 son is entitled for the period prior to the date of the enact-
5 ment of this Act shall be paid to her in a lump sum.

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Chairman SENSENBRENNER. The chair recognizes the gentleman from Pennsylvania to make a motion.

Mr. GEKAS. Mr. Chairman, the Subcommittee on Immigration and Claims reports favorably the bill H.R. 392 and moves its favorable recommendation to the full House.

Chairman SENSENBRENNER. Without objection, H.R. 392 will be considered as read and open for amendment at any point.

The chair recognizes the gentleman from Pennsylvania to strike the last word for 5 minutes.

Mr. GEKAS. Thank you, Mr. Chairman.

Most of the members of our Subcommittee are pretty well, by now, familiar with the saga of Nancy Wilson. This bill would allow her to receive Social Security insurance benefits based on her deceased husband's income. When she met Mr. Wilson, the individual that eventually became her husband, he was already married, but his wife had been committed to a mental institution in Massachusetts. Massachusetts law prohibits divorce by anyone where the defendant would be committed to a mental institution. Thus, Nancy, who later became Mrs. Wilson, began cohabitation with Mr. Wilson. They stayed together for 19 years, raised three children, two of whom were of the first marriage and one between the two individuals.

And then, after 19 years, after many years, Mrs. Wilson, in the mental institution, died. Immediately, thereafter, Mr. Wilson married Nancy so they now were legitimized, so to speak. Seven months later, Mr. Wilson dies. That left a gap where, in the Social Security law, before Social Security benefits can be conferred on a widow, they have to have been married at least 9 months. Here it was only 7 months, and Mr. Wilson died. This bill plugs up that gap, recognizes that, indeed, she was, de facto, the—should be the beneficiary of the deceased's Social Security benefits.

So, with that, I ask for a unanimous vote in favor of this bill, which we had taken up before.

Chairman SENSENBRENNER. Does the gentleman yield back the balance of his time?

Mr. GEKAS. I yield back.

Chairman SENSENBRENNER. Any further discussion on striking the last word?

If not, are there any amendments to the bill?

Hearing none, the question occurs on the motion to report the bill favorably. Do we have a reporting quorum now?

We're one short of a reporting quorum. Without objection, the previous question is ordered on reporting H.R. 392, and when we find an additional member, we will act on that and the Subcommittee rules.

[Staff Note: Intervening Business.]

The question now occurs on the motion to favorably report the bill H.R. 503.

Those in favor will signify by saying aye.

Excuse me, 392, I'm sorry. Wrong advice by the staff. I appreciate the—H.R.—the question occurs on the motion to report favorably the bill H.R. 392.

Those in favor will say aye.

Opposed, no.

The ayes have it. The motion to report favorably is adopted.

Without objection, the chairman is authorized to move to go to conference, pursuant to House rules. Without objection, the staff is directed to make any technical and conforming changes, and all members will be given 2 days, as provided by House rules, in which to submit additional dissenting, supplemental or minority views.

We have a vote on the House floor. It seems to me this is a good time to break. I would ask the members to come back promptly.

Ms. JACKSON LEE. Mr. Chairman?

Chairman SENSENBRENNER. Yes?

Ms. JACKSON LEE. I would ask unanimous consent that my statements regarding the Subcommittee Rules of Procedure for Private Immigration Bills and Private Claims Bills, and H.R. 392, be submitted into the record.

Chairman SENSENBRENNER. Without objection.

[The statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF HON. SHEILA JACKSON LEE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF TEXAS

I supported H.R. 392 during the last Congress and support it now as it would allow a woman to receive social security benefits based on her deceased husband's income, as she has been denied benefits according to Massachusetts state law which requires at least nine months of marriage. She was married for only seven. I support this bill as it will grant much needed relief.

Chairman SENSENBRENNER. The Committee is in recess. Please return promptly.

DISSENTING VIEWS

I respectfully dissent from the Committee's favorable reporting of H.R. 392, for the private relief of Nancy Wilson. My objections to this legislation are not over Mrs. Wilson herself. I do not know her personally and wish her no harm. Rather, my objections would remain concerning any other bill of this nature.

The committee reports this bill based on its belief that a long term cohabitation should be regarded as marriage for purposes of Social Security benefits. Not only do I find this to be an unwise policy decision, I believe it is an unwarranted intrusion upon the sanctity of marriage that has long been recognized through our history. Moreover, I dissent from reporting this bill because it is another example of an overreaching Federal Government. For whatever reason, Massachusetts has determined that divorce on the grounds on insanity is an unhealthy practice and as such has taken steps to discourage it. By reporting this bill, I believe we implicitly override the state's policy decision. The logical end of this bill is to say that since cohabitation is the equivalent of marriage, the first marriage must, of necessity, have ended. This seems little more to me than a Federal dictation of state divorce law, not to mention a dictation of divorce in this particular circumstance. I find neither of these acceptable and therefore, oppose the reporting of this bill.

JOHN HOSTETTLER

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